REMARKS

In the non-final Office Action dated April 09, 2008, it is noted that claims 1-37 are pending in the application.

Claims 1, 4, 5, 10, 11, 17-26 and 36 are amended for non-statutory reasons. The claims are not narrowed in scope and no new matter is added.

The Office Action objects to Claim 36 for an informality. Claim 36 has been amended herein to obviate the objection. Withdrawal of the objection to claim 36 is respectfully requested.

35 U.S.C. §102(b)

The Office Action rejects claims 1, 2, 6, 31, 36 and 37 under 35 U.S.C. §102(b) over Papagan et al., US Pub No 2002/0059604, (hereinafter "Papagan").

Applicant submits that for at least the following reasons, claims 1, 2, 6, 31, 36 and 37 are patentable over Papagan. For example, claim 1 requires:

> "receiving a data stream of media content;
>
> inserting content identification data at regular intervals within the media data stream."

In contrast Fig. 3 of Papagan only suggests that a broadcaster 310 receives data from data source 311. There is nothing in Papagan that teaches or suggests that broadcaster 310 is receiving **a data stream** of media content, as claimed.

Papagan, paragraph [0053] only discloses that the broadcaster 310 may retrieve the media object from a media data source 311, but does not give any indication that broadcaster 310 is receiving a data stream of media content. Furthermore, Papagan, paragraph [0055] recites:

> "Media data source 311 may be any number of data sources containing one or more media objects or a portion thereof. In one embodiment, Media data source 311 may include a database of media data and associated metadata. Media data source 311 may include a hierarchical organization and retrieval system, a search engine, or other applications for retrieving desired media

objects. In one embodiment, media data source 311 includes distributed media objects located within a plurality of networked data sources." (Emphasis added).

The above emphasized portions strongly suggest that Papagan intends the broadcaster to receive non-stream data, not data from a data stream. This is because data from different sources would arrive at different times and may not form a data stream. Therefore, Papagan does not disclose: receiving **a data stream** of media content, as claimed.

Furthermore, Papagan does not teach or suggest the feature: inserting content identification data at regular intervals within the media data stream, as claimed in claim 1. Although Papagan, paragraphs [0027] – [0029], discloses that the media objects may include metadata, Applicant submits that Papagan only suggests the inclusion of the metadata in the data file stored in the media data source, not in a data stream. The data received by the broadcaster already has the metadata included in the media objects and there is no need to insert any content identification data into the media data retrieved from the media data source. Therefore, Papagan, does not teach or suggest the claimed feature: inserting content identification data at regular intervals within the media data stream.

In view of at least the foregoing reasons, Applicant submits that claim 1 is patentable over Papagan. Independent claim 31 is also patentable because it contains many similar distinguishing features as in claim 1. Claims 2, 6, 36 and 37 are patentable because they respectively depend from either of claims 1 and 31, with each dependent claim containing further distinguishing features. Withdrawal of the rejection of claims 1, 2, 6, 31, 36 and 37 under 35 U.S.C. §102(b) is respectfully requested.

The Office Action also rejects claims 22, 27-30 and 35 under 35 U.S.C. §102(b) over Deguillaume et al., US Pub No 2003/0070075 (hereinafter "Deguillaume").

Applicant submits that for at least the following reasons, claims 22, 27-30 and 35 are patentable over Deguillaume. For example, claim 22 requires:

"extracting first data relating to a predetermined property of the media data stream;

extracting content identification data from the secured content identification data;

extracting second data relating to the predetermined property from the secured content identification data;

comparing the first data and the second data to verify the authenticity of the extracted content identification data."

In the Office Action, page 3, it is alleged that Deguillaume discloses the above claimed features. Applicant respectfully disagrees because, while Deguillaume, paragraphs [0045] – [0048], apparently discloses the extraction of a watermark from an image, the watermark is not the data related to the predetermined property of the media data stream. This is because the watermark is just external data added to the image. Therefore, Deguillaume does not teach the feature of extracting first data relating to a predetermined property of the media data stream, as claimed.

Furthermore, Deguillaume, [0045] – [0048], seems to disclose the extraction of an embedded signature from an image. However, Applicant submits that the embedded signature is not the data related to the predetermined property of the media data stream because the signature is external data embedded into the image. Therefore, Deguillaume does not teach the feature of extracting second data relating to the predetermined property from the secured content identification data, as claimed in claim 22.

Moreover, Deguillaume, paragraph [0046], appears to teach the comparison of the computed signature and the embedded signature. However, Applicant submits that, as discussed above, the signatures are not data related to the predetermined property of the media data stream. Therefore, Deguillaume does not teach or suggest the feature of comparing the first data and the second data to verify the authenticity of the extracted content identification data, as claimed in claim 22.

In view of at least the foregoing reasons, Applicant submits that claim 22 is patentable over Deguillaume. Independent claim 35 is also patentable because it contains many similar distinguishing features as in claim 22. Claims 27-30 are patentable because they depend from claim 22, with each dependent claim containing further distinguishing features. Withdrawal of the rejection of claims 22, 27-30 and 35 under 35 U.S.C. §102(b) is respectfully requested.

35 U.S.C. §103(a)

Under 35 U.S.C. §103(a) the Office Action rejects claims 3 and 7-9 over Papagan in view of Deguillaume; claims 4, 5, 32 and 33 over Papagan, Deguillaume and further in view of Miettinen et al., US Pub No 2002/138729 (hereinafter ("Miettinen"); and claim 10 over Papagan, Deguillaume, Miettinen and further in view of Everett, US Patent No 6,328,217.

Also under 35 U.S.C. §103(a) the Office Action rejects claims 11-16 and 34 over Chang et al., US Patent No 6,963,972 (hereinafter "Chang") in view of Deguillaume and further in view of Miettinen; claims 17-18 over Chang, Deguillaume, Miettinen and further in view of Reeds et al., US Patent No 5,153,919; and claims 19-21 over Chang, Deguillaume, Miettinen and further in view of McCormack et al., US Pub No 2004/0143836.

The Office Action also rejects under 35 U.S.C. §103(a) claim 23 over Deguillaume in view of Miettinen; claim 24 over Deguillaume, Miettinen and further in view of Everett; claim 25 over Deguillaume in view of Chang and further in view of Reeds et al.; and claim 26 over Deguillaume, Reeds et al., Chang and further in view of Miettinen.

In each of these 35 U.S.C. §103(a) rejections the Office relies upon either of Deguillaume and/or Papagan together or in a further combination with the other references cited above. However, none of the additional cited references, either singly or in any combination with Deguillaume and/or Papagan bridges the feature gap as pointed out above with regard to the independent claims and the features missing in Deguillaume or Papagan. Therefore, claims 3-5, 7-21, 23-26, and 32-34 are patentable because they respectively depend from claims 1, 22 and 31, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 3-5, 7-21, 23-26 and 32-34 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited. In the event there are any errors with respect to the fees for

this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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